

## Message Text

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ORIGIN SS-25

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FM SECSTATE WASHDC  
TO AMEMBASSY PANAMA IMMEDIATE

C O N F I D E N T I A L STATE 089081

STADIS/////////  
EXDIS

E.O. 11652: GDS

TAGS: PBOR, PN

SUBJECT: PANAMA CANAL TREATY IMPLEMENTING AGREEMENTS

REFS: A) STATE 029264, B) PANAMA 00950, C) PANAMA 01630

1. WE HAVE NOT YET DECIDED WHETHER WE SHOULD PROCEED WITH LETTER TO SFRC ON HOW WE PROPOSE TO HANDLE THE CONGRESSIONAL ASPECTS OF THE AGREEMENTS IN IMPLEMENTATION OF ARTS. 3 AND 4 OF THE PANAMA CANAL TREATY. THERE HAS NOT BEEN TO DATE MUCH CONGRESSIONAL INTEREST IN THIS ISSUE, ALTHOUGH WE ANTICIPATE SEVERAL ATTEMPTS TO AMEND OR ENTER RESERVATIONS LIMITING OUR FLEXIBILITY TO CHANGE THESE AGREEMENTS IN THE FUTURE.

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2. FOR CONTINGENT PURPOSES, HOWEVER, WE HAVE DRAFTED THE FOLLOWING LETTER TO SENATOR SPARKMAN AND WOULD APPRECIATE YOUR COMMENTS, STRESSING THAT WE MAY NOT NEED TO USE THIS LETTER AND MIGHT EVEN ALTER OUR APPROACH IF CIRCUMSTANCES SHOULD WARRANT.

BEGIN TEXT: THE DEPARTMENT OF STATE AND OTHER EXECUTIVE

DEPARTMENTS HAVE BEEN CONSIDERING QUESTIONS THAT SEVERAL

SENATORS HAVE RAISED ABOUT THE AGREEMENTS IN IMPLEMENTATION OF ARTICLES III AND IV OF THE NEW PANAMA CANAL TREATY. THESE QUESTIONS DEAL PARTICULARLY WITH POSSIBLE CHANGES, AFTER THE TREATY HAS BEEN RATIFIED WITH THE ADVICE AND CONSENT OF THE SENATE, IN TWO RESPECTS. THE FIRST CONCERNS PROCEDURAL GUARANTEES ESTABLISHED BY THESE AGREEMENTS WITH RESPECT TO CRIMINAL PROCEEDINGS IN THE COURTS OF PANAMA. THE SECOND CONCERNS THE MAJOR CANAL OPERATING INSTALLATIONS AND MILITARY BASES TO BE MADE AVAILABLE TO THE UNITED STATES UNDER THE AGREEMENTS.

THE ADMINISTRATION DOES NOT ENVISAGE THAT THESE AGREEMENTS WILL BE CHANGED WITH REGARD TO EITHER OF THESE IMPORTANT SUBJECTS. HOWEVER, WE RECOGNIZE THE UNIQUE CIRCUMSTANCES OF THIS SITUATION, INCLUDING THE HISTORY OF U.S. STEWARDSHIP OF THE PANAMA CANAL, THE RELATION OF THESE AGREEMENTS TO THE PANAMA CANAL TREATY AND THE FACT THAT THEY HAVE BEEN DRAFTED TOGETHER WITH THE TREATY AND ENTER INTO FORCE SIMULTANEOUSLY. THEREFORE, THE EXECUTIVE BRANCH WOULD NOT OBJECT TO LEGISLATION PROHIBITING ANY SIGNIFICANT ALTERATION IN THE PROCEDURAL GUARANTEES AFFORDED BY THE AGREEMENTS AND ANY TRANSFER OF ACTIVE CANAL OPERATING INSTALLATIONS OR U.S. MILITARY BASE FACILITIES (OTHER THAN THOSE TRANSFERS SPECIFICALLY PROGRAMMED IN THE TREATY AND

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AGREEMENTS), UNLESS THE CONGRESS HAS BEEN GIVEN NOTICE OF THE PROPOSED MODIFICATION AND HAS HAD TIME TO DISAPPROVE THE PROPOSED ACTION BY JOINT RESOLUTION.

WE BELIEVE, AND TRUST THAT YOU CONCUR, THAT THIS WOULD BE AN APPROPRIATE MEANS OF RESOLVING THE CONCERNS ON THIS SUBJECT EXPRESSED DURING THE COMMITTEE'S HEARINGS AND DURING THE CURRENT SENATE DEBATE.

IT SHOULD BE NOTED THAT THESE AGREEMENTS ARE PATTERNED ON THE MANY STATUS-OF-FORCES AGREEMENTS THAT THE UNITED STATES HAS WITH FOREIGN GOVERNMENTS. SUCH AGREEMENTS ARE NORMALLY CONCLUDED AS EXECUTIVE AGREEMENTS BECAUSE THEY DEAL WITH DETAILED TECHNICAL AND ADMINISTRATIVE ARRANGEMENTS WHICH OFTEN REQUIRE MODIFICATION FROM TIME TO TIME TO ADJUST TO CHANGING CIRCUMSTANCES. THIS NEED FOR FLEXIBILITY IS PARTICULARLY TRUE IN THE CASES OF AGREEMENTS OF LONG DURATION SUCH AS THE AGREEMENTS IN IMPLEMENTATION OF THE PANAMA CANAL TREATY. THE ANNEXES TO THESE AGREEMENTS LIST OVER 200 SPECIFIC AREAS, FACILITIES, EQUIPMENT AND TOOLS TO BE MADE AVAILABLE FOR THE USE OF THE UNITED STATES. BASED ON U.S. EXPERIENCE AROUND THE WORLD, OUR MILITARY AUTHOR-

ITIES BELIEVE IT IS ESSENTIAL TO HAVE FLEXIBILITY TO MAKE  
APPROPRIATE ADJUSTMENTS IN THESE ARRANGEMENTS.

WE LOOK FORWARD TO WORKING WITH YOU AND YOUR COLLEAGUES ON  
THIS MATTER. (END TEXT) VANCE

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